

AMENDED IN ASSEMBLY APRIL 13, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1772**

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**Introduced by Assembly Member ~~Beth Gaines~~ *Beth Gaines***

February 3, 2016

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An act to amend Sections 647 and 803 of, and to repeal and add Section 647.7 of, the Penal Code, relating to disorderly conduct.

LEGISLATIVE COUNSEL'S DIGEST

AB 1772, as amended, Beth Gaines. Disorderly conduct.

Existing law establishes the offense of disorderly conduct to include, among other acts, specified invasions of privacy and the act of, while loitering, prowling, or wandering upon the private property of another, at any time, peeking in the door or window of any inhabited building or structure, without visible or lawful business with the owner or occupant. Except as specified, existing law makes those offenses punishable by imprisonment in a county jail not exceeding 6 months, by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would instead provide that, except as specified below, those offenses are punishable by imprisonment in a county jail for not more than 6 months, by a fine of \$1,000, or by both that fine and imprisonment, or punishable by imprisonment in a county jail for 16 months, or 2 or 3 years, by a fine of \$2,000, or by both that fine and imprisonment.

Existing law makes a second or subsequent violation of the invasion of privacy provisions described above punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ~~two thousand dollars (\$2,000)~~, \$2,000, or by both that fine and imprisonment. Existing law authorizes the same punishments if the

victim of one of those invasions of privacy was a minor at the time of the offense.

This bill would instead provide that, except as specified below, a second or subsequent violation of the invasion of privacy provisions described above is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,000, or by both that fine and imprisonment, or punishable by imprisonment in a county jail for ~~3, 5, or 7~~ 16 months, or 2 or 3 years, by a fine not exceeding \$5,000, or by both that fine and imprisonment. The bill would authorize the same punishments if the victim of one of those invasions of privacy was a minor at the time of the offense.

Existing law provides that, except as specified, every person who, having been convicted of violating the peeking or invasion of privacy provisions described above, commits a second or subsequent violation of those provisions, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would provide that, except as specified below, those violations are punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,000, or by both that fine and imprisonment, or punishable by imprisonment in a county jail for ~~for 3, 5, or 7~~ 16 months, or 2 or 3 years, by a fine not exceeding \$5,000, or by both that fine and imprisonment.

Existing law provides that every person who, having been convicted of violating the peeking or invasion of privacy provisions described above, uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person, regardless of whether it is a first, second, or subsequent violation of that specific invasion of privacy provision, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$5,000, or by both that fine and imprisonment.

This bill would provide that those violations are punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$5,000, or by both that fine and imprisonment, or punishable by imprisonment ~~in a county jail for 3, 5, or 7~~ 16 months, or 2 or 3 years, by a fine not exceeding \$10,000, or by both that fine and imprisonment.

The bill would also make conforming changes.

By increasing the penalties for existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 647 of the Penal Code is amended to  
2 read:  
3 647. Every person who commits any of the following acts is  
4 guilty of disorderly conduct, a misdemeanor:  
5 (a) Who solicits anyone to engage in or who engages in lewd  
6 or dissolute conduct in any public place or in any place open to  
7 the public or exposed to public view.  
8 (b) Who solicits or who agrees to engage in or who engages in  
9 any act of prostitution. A person agrees to engage in an act of  
10 prostitution when, with specific intent to so engage, he or she  
11 manifests an acceptance of an offer or solicitation to so engage,  
12 regardless of whether the offer or solicitation was made by a person  
13 who also possessed the specific intent to engage in prostitution.  
14 No agreement to engage in an act of prostitution shall constitute  
15 a violation of this subdivision unless some act, in addition to the  
16 agreement, is done within this state in furtherance of the  
17 commission of an act of prostitution by the person agreeing to  
18 engage in that act. As used in this subdivision, "prostitution"  
19 includes any lewd act between persons for money or other  
20 consideration.

1 (c) Who accosts other persons in any public place or in any  
2 place open to the public for the purpose of begging or soliciting  
3 alms.

4 (d) Who loiters in or about any toilet open to the public for the  
5 purpose of engaging in or soliciting any lewd or lascivious or any  
6 unlawful act.

7 (e) Who lodges in any building, structure, vehicle, or place,  
8 whether public or private, without the permission of the owner or  
9 person entitled to the possession or in control of it.

10 (f) Who is found in any public place under the influence of  
11 intoxicating liquor, any drug, controlled substance, toluene, or any  
12 combination of any intoxicating liquor, drug, controlled substance,  
13 or toluene, in a condition that he or she is unable to exercise care  
14 for his or her own safety or the safety of others, or by reason of  
15 his or her being under the influence of intoxicating liquor, any  
16 drug, controlled substance, toluene, or any combination of any  
17 intoxicating liquor, drug, or toluene, interferes with or obstructs  
18 or prevents the free use of any street, sidewalk, or other public  
19 way.

20 (g) When a person has violated subdivision (f), a peace officer,  
21 if he or she is reasonably able to do so, shall place the person, or  
22 cause him or her to be placed, in civil protective custody. The  
23 person shall be taken to a facility, designated pursuant to Section  
24 5170 of the Welfare and Institutions Code, for the 72-hour  
25 treatment and evaluation of inebriates. A peace officer may place  
26 a person in civil protective custody with that kind and degree of  
27 force which would be lawful were he or she effecting an arrest for  
28 a misdemeanor without a warrant. A person who has been placed  
29 in civil protective custody shall not thereafter be subject to any  
30 criminal prosecution or juvenile court proceeding based on the  
31 facts giving rise to this placement. This subdivision shall not apply  
32 to the following persons:

33 (1) Any person who is under the influence of any drug, or under  
34 the combined influence of intoxicating liquor and any drug.

35 (2) Any person who a peace officer has probable cause to believe  
36 has committed any felony, or who has committed any misdemeanor  
37 in addition to subdivision (f).

38 (3) Any person who a peace officer in good faith believes will  
39 attempt escape or will be unreasonably difficult for medical  
40 personnel to control.

1 (h) Who loiters, prowls, or wanders upon the private property  
2 of another, at any time, without visible or lawful business with the  
3 owner or occupant. As used in this subdivision, “loiter” means to  
4 delay or linger without a lawful purpose for being on the property  
5 and for the purpose of committing a crime as opportunity may be  
6 discovered.

7 (i) (1) In any accusatory pleading charging a violation of  
8 subdivision (b), if the defendant has been once previously convicted  
9 of a violation of that subdivision, the previous conviction shall be  
10 charged in the accusatory pleading. If the previous conviction is  
11 found to be true by the jury, upon a jury trial, or by the court, upon  
12 a court trial, or is admitted by the defendant, the defendant shall  
13 be imprisoned in a county jail for a period of not less than 45 days  
14 and shall not be eligible for release upon completion of sentence,  
15 on probation, on parole, on work furlough or work release, or on  
16 any other basis until he or she has served a period of not less than  
17 45 days in a county jail. In all cases in which probation is granted,  
18 the court shall require as a condition thereof that the person be  
19 confined in a county jail for at least 45 days. In no event does the  
20 court have the power to absolve a person who violates this  
21 subdivision from the obligation of spending at least 45 days in  
22 confinement in a county jail.

23 (2) In any accusatory pleading charging a violation of  
24 subdivision (b), if the defendant has been previously convicted  
25 two or more times of a violation of that subdivision, each of these  
26 previous convictions shall be charged in the accusatory pleading.  
27 If two or more of these previous convictions are found to be true  
28 by the jury, upon a jury trial, or by the court, upon a court trial, or  
29 are admitted by the defendant, the defendant shall be imprisoned  
30 in a county jail for a period of not less than 90 days and shall not  
31 be eligible for release upon completion of sentence, on probation,  
32 on parole, on work furlough or work release, or on any other basis  
33 until he or she has served a period of not less than 90 days in a  
34 county jail. In all cases in which probation is granted, the court  
35 shall require as a condition thereof that the person be confined in  
36 a county jail for at least 90 days. In no event does the court have  
37 the power to absolve a person who violates this subdivision from  
38 the obligation of spending at least 90 days in confinement in a  
39 county jail.

(3) In addition to any punishment prescribed by this section, a court may suspend, for not more than 30 days, the privilege of the person to operate a motor vehicle pursuant to Section 13201.5 of the Vehicle Code for any violation of subdivision (b) that was committed within 1,000 feet of a private residence and with the use of a vehicle. In lieu of the suspension, the court may order a person's privilege to operate a motor vehicle restricted, for not more than six months, to necessary travel to and from the person's place of employment or education. If driving a motor vehicle is necessary to perform the duties of the person's employment, the court may also allow the person to drive in that person's scope of employment.

(j) (1) If a crime is committed in violation of subdivision (b) and the person who was solicited was a minor at the time of the offense, and if the defendant knew or should have known that the person who was solicited was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(2) The court may, in unusual cases, when the interests of justice are best served, reduce or eliminate the mandatory two days of imprisonment in a county jail required by this subdivision. If the court reduces or eliminates the mandatory two days' imprisonment, the court shall specify the reason on the record.

SEC. 2. Section 647.7 of the Penal Code is repealed.

SEC. 3. Section 647.7 is added to the Penal Code, to read:

647.7. (a) A person who does either of the following is guilty of disorderly conduct, punishable pursuant to subdivision (b):

(1) While loitering, prowling, or wandering upon the private property of another, at any time, peeks in the door or window of any inhabited building or structure, without visible or lawful business with the owner or occupant.

(2) (A) Looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile telephone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the

1 privacy of a person or persons inside. This paragraph does not  
2 apply to those areas of a private business used to count currency  
3 or other negotiable instruments.

4 (B) Uses a concealed camcorder, motion picture camera, or  
5 photographic camera of any type, to secretly videotape, film,  
6 photograph, or record by electronic means, another, identifiable  
7 person under or through the clothing being worn by that other  
8 person, for the purpose of viewing the body of, or the  
9 undergarments worn by, that other person, without the consent or  
10 knowledge of that other person, with the intent to arouse, appeal  
11 to, or gratify the lust, passions, or sexual desires of that person and  
12 invade the privacy of that other person, under circumstances in  
13 which the other person has a reasonable expectation of privacy.

14 (C) (i) Uses a concealed camcorder, motion picture camera, or  
15 photographic camera of any type, to secretly videotape, film,  
16 photograph, or record by electronic means, another, identifiable  
17 person who may be in a state of full or partial undress, for the  
18 purpose of viewing the body of, or the undergarments worn by,  
19 that other person, without the consent or knowledge of that other  
20 person, in the interior of a bedroom, bathroom, changing room,  
21 fitting room, dressing room, or tanning booth, or the interior of  
22 any other area in which that other person has a reasonable  
23 expectation of privacy, with the intent to invade the privacy of that  
24 other person.

25 (ii) Neither of the following is a defense to the crime specified  
26 in this subparagraph:

27 (I) The defendant was a cohabitant, landlord, tenant, cotenant,  
28 employer, employee, or business partner or associate of the victim,  
29 or an agent of any of these.

30 (II) The victim was not in a state of full or partial undress.

31 (D) (i) Intentionally distributes the image of the intimate body  
32 part or parts of another identifiable person, or an image of the  
33 person depicted engaged in an act of sexual intercourse, sodomy,  
34 oral copulation, sexual penetration, or an image of masturbation  
35 by the person depicted or in which the person depicted participates,  
36 under circumstances in which the persons agree or understand that  
37 the image shall remain private, the person distributing the image  
38 knows or should know that distribution of the image will cause  
39 serious emotional distress, and the person depicted suffers that  
40 distress.

(ii) A person intentionally distributes an image described in clause (i) when he or she personally distributes the image, or arranges, specifically requests, or intentionally causes another person to distribute that image.

(iii) As used in this subparagraph, “intimate body part” means any portion of the genitals, the anus and in the case of a female, also includes any portion of the breasts below the top of the areola, that is either uncovered or clearly visible through clothing.

(iv) It is not a violation of this subparagraph to distribute an image described in clause (i) if any of the following applies:

(I) The distribution is made in the course of reporting an unlawful activity.

(II) The distribution is made in compliance with a subpoena or other court order for use in a legal proceeding.

(III) The distribution is made in the course of a lawful public proceeding.

(E) This paragraph does not preclude punishment under any section of law providing for greater punishment.

(b) (1) Except as otherwise specified in this subdivision, a violation of subdivision (a) is punishable by imprisonment in a county jail for not more than six months, by a fine of one thousand dollars (\$1,000), or by both that fine and imprisonment, or punishable by imprisonment pursuant to subdivision (h) of Section 1170, by a fine of two thousand dollars (\$2,000), or by both that fine and imprisonment.

(2) If the victim of a violation of paragraph (2) of subdivision (a) was a minor at the time of the offense, the violation is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, or punishable by imprisonment pursuant to subdivision (h) of Section 1170 for ~~three, five, or seven~~ *16 months, or two or three years*, by a fine not exceeding five thousand dollars (\$5,000), or by both that fine and imprisonment.

(3) Except as otherwise provided in paragraph (4), a second or subsequent violation of subdivision (a) is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment, or punishable by imprisonment pursuant to subdivision (h) of Section 1170 for ~~three, five, or seven~~ *16 months*,



1 *or two or three* years, by a fine not exceeding five thousand dollars  
2 (\$5,000), or by both that fine and imprisonment.

3 (4) Every person who, having been previously convicted of  
4 violating subdivision (a), commits a violation of subparagraph (C)  
5 of paragraph (2) of subdivision (a) regardless of whether it is a  
6 first, second, or subsequent violation of that subparagraph, shall  
7 be punished by imprisonment in a county jail not exceeding one  
8 year, by a fine not exceeding five thousand dollars (\$5,000), or by  
9 both that fine and imprisonment, or punished by imprisonment  
10 pursuant to subdivision (h) of Section 1170 for ~~three, five, or seven~~  
11 *16 months, or two or three* years, by a fine not exceeding ten  
12 thousand dollars (\$10,000), or by both that fine and imprisonment.

13 (c) If a person is convicted of violating subdivision (a), the court  
14 may require counseling as a condition of probation. Any defendant  
15 so ordered to be placed in a counseling program shall be  
16 responsible for paying the expense of his or her participation in  
17 the counseling program as determined by the court. The court shall  
18 take into consideration the ability of the defendant to pay, and no  
19 defendant shall be denied probation because of his or her inability  
20 to pay.

21 SEC. 4. Section 803 of the Penal Code is amended to read:

22 803. (a) Except as provided in this section, a limitation of time  
23 prescribed in this chapter is not tolled or extended for any reason.

24 (b) No time during which prosecution of the same person for  
25 the same conduct is pending in a court of this state is a part of a  
26 limitation of time prescribed in this chapter.

27 (c) A limitation of time prescribed in this chapter does not  
28 commence to run until the discovery of an offense described in  
29 this subdivision. This subdivision applies to an offense punishable  
30 by imprisonment in the state prison or imprisonment pursuant to  
31 subdivision (h) of Section 1170, a material element of which is  
32 fraud or breach of a fiduciary obligation, the commission of the  
33 crimes of theft or embezzlement upon an elder or dependent adult,  
34 or the basis of which is misconduct in office by a public officer,  
35 employee, or appointee, including, but not limited to, the following  
36 offenses:

37 (1) Grand theft of any type, forgery, falsification of public  
38 records, or acceptance of, or asking, receiving, or agreeing to  
39 receive, a bribe, by a public official or a public employee,  
40 including, but not limited to, a violation of Section 68, 86, or 93.

1 (2) A violation of Section 72, 118, 118a, 132, 134, or 186.10.

2 (3) A violation of Section 25540, of any type, or Section 25541  
3 of the Corporations Code.

4 (4) A violation of Section 1090 or 27443 of the Government  
5 Code.

6 (5) Felony welfare fraud or Medi-Cal fraud in violation of  
7 Section 11483 or 14107 of the Welfare and Institutions Code.

8 (6) Felony insurance fraud in violation of Section 548 or 550  
9 of this code or former Section 1871.1, or Section 1871.4, of the  
10 Insurance Code.

11 (7) A violation of Section 580, 581, 582, 583, or 584 of the  
12 Business and Professions Code.

13 (8) A violation of Section 22430 of the Business and Professions  
14 Code.

15 (9) A violation of Section 103800 of the Health and Safety  
16 Code.

17 (10) A violation of Section 529a.

18 (11) A violation of subdivision (d) or (e) of Section 368.

19 (d) If the defendant is out of the state when or after the offense  
20 is committed, the prosecution may be commenced as provided in  
21 Section 804 within the limitations of time prescribed by this  
22 chapter, and no time up to a maximum of three years during which  
23 the defendant is not within the state shall be a part of those  
24 limitations.

25 (e) A limitation of time prescribed in this chapter does not  
26 commence to run until the offense has been discovered, or could  
27 have reasonably been discovered, with regard to offenses under  
28 Division 7 (commencing with Section 13000) of the Water Code,  
29 under Chapter 6.5 (commencing with Section 25100) of, Chapter  
30 6.7 (commencing with Section 25280) of, or Chapter 6.8  
31 (commencing with Section 25300) of, Division 20 of, or Part 4  
32 (commencing with Section 41500) of Division 26 of, the Health  
33 and Safety Code, or under Section 386, or offenses under Chapter  
34 5 (commencing with Section 2000) of Division 2 of, Chapter 9  
35 (commencing with Section 4000) of Division 2 of, Section 6126  
36 of, Chapter 10 (commencing with Section 7301) of Division 3 of,  
37 or Chapter 19.5 (commencing with Section 22440) of Division 8  
38 of, the Business and Professions Code.

39 (f) (1) Notwithstanding any other limitation of time described  
40 in this chapter, a criminal complaint may be filed within one year

1 of the date of a report to a California law enforcement agency by  
2 a person of any age alleging that he or she, while under 18 years  
3 of age, was the victim of a crime described in Section 261, 286,  
4 288, 288a, 288.5, or 289, or Section 289.5, as enacted by Chapter  
5 293 of the Statutes of 1991 relating to penetration by an unknown  
6 object.

7 (2) This subdivision applies only if all of the following occur:

8 (A) The limitation period specified in Section 800, 801, or 801.1,  
9 whichever is later, has expired.

10 (B) The crime involved substantial sexual conduct, as described  
11 in subdivision (b) of Section 1203.066, excluding masturbation  
12 that is not mutual.

13 (C) There is independent evidence that corroborates the victim's  
14 allegation. If the victim was 21 years of age or older at the time  
15 of the report, the independent evidence shall clearly and  
16 convincingly corroborate the victim's allegation.

17 (3) No evidence may be used to corroborate the victim's  
18 allegation that otherwise would be inadmissible during trial.  
19 Independent evidence does not include the opinions of mental  
20 health professionals.

21 (4) (A) In a criminal investigation involving any of the crimes  
22 listed in paragraph (1) committed against a child, when the  
23 applicable limitations period has not expired, that period shall be  
24 tolled from the time a party initiates litigation challenging a grand  
25 jury subpoena until the end of the litigation, including any  
26 associated writ or appellate proceeding, or until the final disclosure  
27 of evidence to the investigating or prosecuting agency, if that  
28 disclosure is ordered pursuant to the subpoena after the litigation.

29 (B) Nothing in this subdivision affects the definition or  
30 applicability of any evidentiary privilege.

31 (C) This subdivision shall not apply if a court finds that the  
32 grand jury subpoena was issued or caused to be issued in bad faith.

33 (g) (1) Notwithstanding any other limitation of time described  
34 in this chapter, a criminal complaint may be filed within one year  
35 of the date on which the identity of the suspect is conclusively  
36 established by DNA testing, if both of the following conditions  
37 are met:

38 (A) The crime is one that is described in subdivision (c) of  
39 Section 290.

1 (B) The offense was committed prior to January 1, 2001, and  
2 biological evidence collected in connection with the offense is  
3 analyzed for DNA type no later than January 1, 2004, or the offense  
4 was committed on or after January 1, 2001, and biological evidence  
5 collected in connection with the offense is analyzed for DNA type  
6 no later than two years from the date of the offense.

7 (2) For purposes of this section, “DNA” means deoxyribonucleic  
8 acid.

9 (h) For any crime, the proof of which depends substantially  
10 upon evidence that was seized under a warrant, but which is  
11 unavailable to the prosecuting authority under the procedures  
12 described in *People v. Superior Court (Laff)* (2001) 25 Cal.4th  
13 703, *People v. Superior Court (Bauman & Rose)* (1995) 37  
14 Cal.App.4th 1757, or subdivision (c) of Section 1524, relating to  
15 claims of evidentiary privilege or attorney work product, the  
16 limitation of time prescribed in this chapter shall be tolled from  
17 the time of the seizure until final disclosure of the evidence to the  
18 prosecuting authority. Nothing in this section otherwise affects  
19 the definition or applicability of any evidentiary privilege or  
20 attorney work product.

21 (i) Notwithstanding any other limitation of time described in  
22 this chapter, a criminal complaint may be filed within one year of  
23 the date on which a hidden recording is discovered related to a  
24 violation of subparagraph (B) or (C) of paragraph (2) of subdivision  
25 (a) of Section 647.7.

26 (j) Notwithstanding any other limitation of time described in  
27 this chapter, if a person flees the scene of an accident that caused  
28 death or permanent, serious injury, as defined in subdivision (d)  
29 of Section 20001 of the Vehicle Code, a criminal complaint brought  
30 pursuant to paragraph (2) of subdivision (b) of Section 20001 of  
31 the Vehicle Code may be filed within the applicable time period  
32 described in Section 801 or 802 or one year after the person is  
33 initially identified by law enforcement as a suspect in the  
34 commission of the offense, whichever is later, but in no case later  
35 than six years after the commission of the offense.

36 (k) Notwithstanding any other limitation of time described in  
37 this chapter, if a person flees the scene of an accident, a criminal  
38 complaint brought pursuant to paragraph (1) or (2) of subdivision  
39 (c) of Section 192 may be filed within the applicable time period  
40 described in Section 801 or 802, or one year after the person is

1 initially identified by law enforcement as a suspect in the  
2 commission of that offense, whichever is later, but in no case later  
3 than six years after the commission of the offense.

4 (I) A limitation of time prescribed in this chapter does not  
5 commence to run until the discovery of an offense involving the  
6 offering or giving of a bribe to a public official or public employee,  
7 including, but not limited to, a violation of Section 67, 67.5, 85,  
8 92, or 165, or Section 35230 or 72530 of the Education Code.

9 SEC. 5. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.